

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHN BERNHOLT, and BERNHOLT
DESIGN SOLUTIONS, INC.,

Plaintiffs,

vs.

JEFF ALLEN, ABP ENGINEERING,
LLC, MMIS HOLDINGS, LLC, and
MIDWEST MECHANICAL INDUSTRIAL
SERVICES, LLC,

Defendants.

8:19CV419

ORDER

As requested in the parties' motion, (filing no. 40), which is hereby granted,

IT IS ORDERED that the final progression order is amended as follows:

- 1) The status conference previously set for April 6, 2021 is continued and will be held with the undersigned magistrate judge on **May 18, 2021 at 10:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is February 1, 2021. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by February 23, 2021.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadline for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), is March 1, 2021.
- 4) The deadlines for complete expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): March 19, 2021.

For the defendant(s): April 30, 2021.

Plaintiff(s)' rebuttal: May 14, 2021.

- 5) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is May 14, 2021.
- 6) The deadline for filing motions to dismiss and motions for summary judgment is June 7, 2021.
- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is June 7, 2021.
- 8) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 9) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 10) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 21st day of December, 2020.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge